

SUPERIOR COURT OF CALIFORNIA

County of San Diego

DATE: June 27, 2006

DEPT. 71

REPORTER A: Peter Stewart

CSR# 3184

PRESENT HON. RONALD S. PRAGER

REPORTER B:

CSR#

JUDGE

CLERK: K. Sandoval

BAILIFF:

REPORTER'S ADDRESS: P.O. BOX 120128

SAN DIEGO, CA 92112-4104

MINUTE ORDER

IN RE: JCCP 4221/4224/4226&4428 – Natural Gas Anti-Trust Cases (Price Indexing)

The attached Court's ruling regarding **EX PARTE REGARDING ORDER ON PASS THROUGH ISSUE** applies to all cases listed as follows:

4221-00020	UYEDA vs CENTERPOINT ENERGY INC
4221-00021	BENSCHIEDT vs AEP ENERGY SERVICES INC
4221-00022	COUNTY OF SANTA CLARA vs SEMPRA ENERGY
4221-00023	CITY AND COUNTY OF SAN FRANCISCO vs SEMPRA ENERGY
4221-00024	COUNTY OF SAN DIEGO vs SEMPRA ENERGY
4221-00025	OLDER vs SEMPRA ENERGY
4221-00026	CITY OF SAN DIEGO vs SEMPRA ENERGY
4221-00027	TAMCO vs DYNEGY INC
4221-00028	A L GILBERT COMPANY vs CORAL ENERGY RESOURCES LP
4221-00029	OBERTI WHOLESALE FOOD INC vs ENCANA ENERGY SERVICES INC
4221-00030	BROWN vs ENCANA ENERGY SERVICES INC
4221-00031	LOIS THE PIE QUEEN vs ENCANA ENERGY SERVICES INC
4221-00032	VITTICE CORPORATION vs ENCANA CORPORATION
4221-00033	COUNTY OF ALAMEDA vs SEMPRA ENERGY
4221-00034	THE REGENTS OF THE UNIVERSITY OF CALIFORNIA vs RELIANT ENERGY SERVICES INC
4221-00035	SCHOOL PROJECT FOR UTILITY RATE REDUCTION vs SEMPRA ENERGY
4221-00036	ASSOCIATION OF BAY AREA GOVERNMENTS vs SEMPRA ENERGY
4221-00037	OWENS-BROCKWAY GLASS CONTAINER INC vs SEMPRA ENERGY
4221-00038	TEAM DESIGN DBA TIMOTHY ENGELN INC vs RELIANT ENERGY INC
4221-00039	CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER vs RELIANT ENERGY SERVICES INC
4221-00040	SACRAMENTO MUNICIPAL UTILITY DISTRICT vs RELIANT ENERGY SERVICES INC
4221-00041	SHANGHAI 1930 RESTAURANT PARTNERS LP vs ENCANA ENERGY SERVICES INC
4221-00042	PODESTA vs ENCANA ENERGY SERVICES INC

4221-00043 NURSERYMAN'S EXCHANGE OF HALF MOON BAY vs SEMPRA ENERGY
4221-00044 COUNTY OF SAN MATEO vs SEMPRA ENERGY
4221-00045 BUSTAMANTE vs WILLIAMS ENERGY SERVICES
4221-00046 PABCO BUILDING PRODUCTS vs DYNEGY INC
4221-00047 BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY vs DYNEGY INC

10:00 a.m. This being the time previously set for EX PARTE HEARING in the above entitled cause Court convenes with counsel as noted appearing telephonically. Nancy Fineman, Nanci Nishimura, and Joseph Cotchett of Cotchett, Pitre, Simon & McCarthy personally present for the Plaintiff. Christopher Healy of Luce Forward, James Fogelman of Gibson Dunn and Crutcher and Any Tabor of Baker Botts.

Court and counsel discuss the proposed order regarding pass through issue. The Court informs counsel that the decision is to proceed with pass through without limitations. Any discovery is permitted and they are to meet and confer regarding any outstanding issues. The Court informs counsel that there are no limitations on the front end to allow maximum discovery.

There will be no bars unless it regards privilege is burdensome or regarding financial privacy.

The Court interlineate the proposed order and directs Attorney Healy is to prepare an order and have counsel approve as to form.

10:30 a.m. Court is adjourned.

ks

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CASE NUMBER JCCP 4221	COMPLAINT DATE	HEARING DATE 6/27/06	HEARING TIME 10:00	DEPT 71	FOR COURT USE ONLY JUN 27 2006 By: K SANDOVAL
JUDGE Ronald S. Prager	CLERK K Sandoval				
REPORTER Peter Stewart	CSR # 3184				
PLAINTIFF/PETITIONER Healy Natural Gas			ATTORNEY FOR PLAINTIFF/PETITIONER		
DEFENDANT/RESPONDENT Lodette			ATTORNEY FOR DEFENDANT/RESPONDENT		

COUNSEL FOR MOVING PARTY MUST FILL IN TOP PORTION, EXCLUDING NAMES OF JUDGE, CLERK AND REPORTER. ALL COUNSEL MUST PRINT NAMES IN SPACE OPPOSITE THE NAME OF THE PARTY THEY REPRESENT.

EX PARTE APPLICATION FOR: Indexing - ORDER

MOVING PARTY: _____

- ☐ ORDER BY COURT ☐ GRANTED ☐ DENIED ☐ ORDER SHORTENING TIME IS ☐ GRANTED ☐ DENIED
- ☐ PURSUANT TO STIPULATION
- ☐ MOTION TO/FOR _____ IS SET ON _____
- ☐ RULING BY TELEPHONIC RECORDING/NO APPEARANCE NECESSARY
- ☐ TRIAL DATE CONTINUED TO: _____ ON MOTION OF PLT / DFT ☐ BY COURT
- ☐ TRIAL READINESS CONFERENCE CONTINUED TO: _____ ON MOTION OF PLT / DFT ☐ BY COURT
- ☐ SET CASE MANAGEMENT CONFERENCE ON _____ ☐ CASE DESIGNATED EXCEPTIONAL
- ☐ 1ST EXCHANGE OF EXPERTS _____ 2ND EXCHANGE OF EXPERTS _____ ☐ ALL DEADLINES REMAIN AS SET
- ☐ MOTION/DISCOVERY DATE MOVED TO _____ NON JURY/JURY REQUESTED BY PLT/DFT EST. LENGTH OF TRIAL ____ DAYS
- ☐ VACATE ALL HEARING DATES ☐ ORDERED TO ARB./MED. ☐ REMOVED FROM ARB./MED. ☐ SET ON 45 DAY DISMISSAL CALENDAR
- ☐ PREFERENCE GRANTED ☐ 70 YEAR ☐ 5 YEAR ☐ OTHER _____
- ☐ ASSIGNED TO JUDGE _____ FOR ALL PURPOSES INCLUDING TRIAL
- ☐ LEAD CASE NO. _____ CONSOLIDATED WITH _____
- OTHER See Reporter's Transcript. Court clarified

DATED: JUN 28 2006



RONALD S. PRAGER, CLERK OF THE SUPERIOR COURT